

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-1619V

UNPUBLISHED

LOIS BEJMA,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: March 29, 2021

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Causation-In-Fact; Influenza (Flu)
Vaccine; Abscess

Brynna Gang, CK Law Group, Chicago, IL, for petitioner.

Meghan Murphy, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

On November 18, 2020, Lois Bejma filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that she suffered from a left deltoid abscess that was caused-in-fact by her October 4, 2019 influenza (“flu”) vaccination. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 26, 2021, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

1. Specifically, Respondent indicates that

medical personnel at the Division of Injury Compensation Programs, Department of Health and Human Services (“DICP”), have reviewed the petition and supporting documentation filed in this case and concluded that petitioner developed an abscess on her left deltoid, which in fact was more likely than not caused by administration of a flu vaccine at the same location. No other causes for petitioner’s abscess have been identified. See 42 U.S.C. § 300aa-13(a)(1)(B).

Id. at 6. Respondent further agrees that “petitioner’s injury ‘resulted in inpatient hospitalization and surgical intervention.’ See 42 U.S.C. § 300aa-11(c)(1)(D)(iii). Therefore, based on the record as it now stands, petitioner has satisfied all legal prerequisites for compensation under the Act.” *Id.*

In view of Respondent’s position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master